



*Laura T Beyer*  
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Laura T. Beyer  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
(Statesville Division)

In Re:	BARRY EDWARD CLOER	]	Case No. 12-50603
		]	
	Debtor.	]	Chapter 13
		]	

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**ORDER GRANTING PROVISIONAL RELIEF FROM STAY AND CO-DEBTOR STAY**

\_\_\_\_\_ THIS CAUSE coming on for hearing and being heard before the undersigned Laura T. Beyer, United States Bankruptcy Judge presiding on Motion of CertusBank for Relief from Stay and Co-Debtor Stay;

And it appearing to the Court that the parties have reached agreement regarding the disposition of CertusBank's Motion by the entry of the following Order by consent:

BY CONSENT, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Automatic Stay of 11 U.S.C. Section 362(d) and Co-Debtor Stay of 11 U.S.C. Section 1301 are hereby modified to allow CertusBank to communicate with the Debtor and Co-Debtors regarding payments, payment arrangements, modifications to the securing instruments, Assignment of Rents and other matters relating to the loan documents, late payments, charges and the like, regarding the debt by Cloer Apartments, a N.C. general partnership.

2. It is further ORDERED that, in the event of a future default and after notice to

Debtor and opportunity to cure said default, CertusBank is allowed to proceed under its Assignment of Leases and Rents, recorded in Book 1772, at Page 1043, Caldwell County Registry, pursuant to its loan documents and state law, in order to collect rents to be applied to the payments due under the Promissory Note from Cloer's Apartments, a N.C. general partnership. Said payments being guaranteed by Debtor and non-filing Co-Debtors.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court

Consented To:

s//Steven G Tate

Steven G. Tate, Trustee

s//David L. Bolger

David L. Bolger, Attorney for Debtor

s//Carroll D. Tuttle

Carroll D. Tuttle

GROOME, TUTTLE, PIKE & BLAIR, RLLP  
Attorney for Parkway Bank